

1 **SECTION 1398.** 49.13 (1) of the statutes is repealed.

2 **SECTION 1399.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
3 amended to read:

4 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
5 and family services as provided under s. 49.79 (10) to administer an employment and
6 training program for recipients under the food stamp program and may contract
7 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
8 tribal governing bodies to carry out the administrative functions. The department
9 may contract, or a county department or tribal governing body may subcontract, with
10 a Wisconsin works Works agency or another provider to administer the employment
11 and training program under this subsection. Except as provided in pars. (b) and (bm)
12 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
13 of age who are not participants in a Wisconsin works Works employment position to
14 participate in the employment and training program under this subsection.

15 **SECTION 1400.** 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
16 amended to read:

17 49.79 (9) (a) 2. The department may not require an individual who is a recipient
18 under the food stamp program and who is the caretaker of a child who is under the
19 age of 12 weeks to participate in any employment and training program under par.
20 (a) this subsection.

21 **SECTION 1401.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
22 amended to read:

23 49.79 (9) (a) 3. The department may not require an individual who is a recipient
24 under the food stamp program to participate in any employment and training
25 program under par. (a) this subsection if that individual is enrolled at least half time



1 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
2 higher education.

3 **SECTION 1402.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

4 **SECTION 1403.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
5 amended to read:

6 49.79 (9) (a) 5. A participant in an employment and training program under
7 this section subsection administered by the department is an employee of the
8 department for purposes of worker's compensation coverage, except to the extent
9 that the person for whom the participant is performing work provides worker's
10 compensation coverage. A participant in an employment and training program
11 under this section subsection administered by a Wisconsin works Works agency or
12 another provider is an employee of the Wisconsin works Works agency or other
13 provider for purposes of worker's compensation coverage, except to the extent that
14 the person for whom the participant is performing work provides worker's
15 compensation coverage.

16 **SECTION 1404.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b)
17 (intro.) and amended to read:

18 49.79 (9) (b) (intro.) An individual who fails to comply with the work
19 requirements under sub. (2) par. (a) without good cause is ineligible to participate in
20 the food stamp program under s. 49.79 as follows:

21 **SECTION 1405.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
22 amended to read:

23 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
24 the person complies with the work requirements under sub. (2) par. (a), whichever
25 is later.

1 **SECTION 1406.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
2 amended to read:

3 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
4 person complies with the work requirements under sub. (2) par. (a), whichever is
5 later.

6 **SECTION 1407.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
7 amended to read:

8 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
9 months, or until the person complies with the work requirements under sub. (2) par.
10 (a), whichever is later.

11 **SECTION 1407c.** 49.134 (2) (a) of the statutes is amended to read:

12 49.134 (2) (a) From the allocation under s. 49.155 (1g) (d), the department shall
13 make grants to local agencies to fund child care resource and referral services
14 provided by those local agencies. The department shall provide an allocation formula
15 to determine the amount of a grant awarded under this section.

16 **SECTION 1407e.** 49.136 (2) (a) of the statutes is amended to read:

17 49.136 (2) (a) From the allocation under s. 49.155 (1g) (d), the department may
18 award grants for the start-up or expansion of child care services.

19 **SECTION 1407g.** 49.137 (2) (a) of the statutes is amended to read:

20 49.137 (2) (a) From the allocation under s. 49.155 (1g) (d), the department may
21 award grants to child care providers that meet the quality of care standards
22 established under s. 49.155 (1d) (b) to improve the retention of skilled and
23 experienced child care staff. In awarding grants under this subsection, the
24 department shall consider the applying child care provider's total enrollment of

1 children and average enrollment of children who receive or are eligible for publicly
2 funded care from the child care provider.

3 **SECTION 1407h.** 49.137 (3) (a) of the statutes is amended to read:

4 49.137 (3) (a) From the allocation under s. 49.155 (1g) (d), the department may
5 award grants to child care providers for assistance in meeting the quality of care
6 standards established under s. 49.155 (1d) (b).

7 **SECTION 1407i.** 49.137 (4) (intro.) of the statutes is amended to read:

8 49.137 (4) TRAINING AND TECHNICAL ASSISTANCE CONTRACTS. (intro.) From the
9 allocation under s. 49.155 (1g) (d), the department may contract with one or more
10 agencies for the provision of training and technical assistance to improve the quality
11 of child care provided in this state. The training and technical assistance activities
12 contracted for under this subsection may include any of the following activities:

13 **SECTION 1407j.** 49.137 (4m) of the statutes is amended to read:

14 49.137 (4m) LOCAL PASS-THROUGH GRANT PROGRAM. From the allocation under
15 s. 49.155 (1g) (d), the department shall award grants to local governments and tribal
16 governing bodies for programs to improve the quality of child care. The department
17 shall promulgate rules to administer the grant program, including rules that specify
18 the eligibility criteria and procedures for awarding the grants.

19 **SECTION 1408.** 49.138 (1m) (intro.) of the statutes is amended to read:

20 49.138 (1m) (intro.) The department shall implement a program of emergency
21 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
22 impending homelessness, or energy crisis. The department shall establish the
23 maximum amount of aid to be granted, except for cases of energy crisis, per family
24 member based on the funding available under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md).

25 The department need not establish the maximum amount by rule under ch. 227. The

1 department shall publish the maximum amount and annual changes to it in the
2 Wisconsin administrative register. Emergency assistance provided to needy persons
3 under this section may only be provided to a needy person once in a 12-month period.
4 Emergency assistance provided to needy persons under this section in cases of
5 homelessness or impending homelessness may be used only to obtain or retain a
6 permanent living accommodation. For the purposes of this section, a family is
7 considered to be homeless, or to be facing impending homelessness, if any of the
8 following applies:

9 **SECTION 1409.** 49.143 (2) (b) of the statutes is amended to read:

10 49.143 (2) (b) Establish a children's services network. The children's services
11 network shall provide information about community resources available to the
12 dependent children in a Wisconsin works group, including charitable food and
13 clothing centers; subsidized and low-income housing; transportation subsidies; the
14 state supplemental food program for women, infants and children under s. 253.06
15 49.17; and child care programs. In a county having a population of 500,000 or more,
16 a children's services network shall, in addition, provide a forum for those persons
17 who are interested in the delivery of child welfare services and other services to
18 children and families in the geographical area under sub. (6) served by that
19 children's services network to communicate with and make recommendations to the
20 providers of those services in that geographical area with respect to the delivery of
21 those services in that area.

22 **SECTION 1410.** 49.147 (3m) of the statutes is created to read:

23 49.147 (3m) REAL WORK, REAL PAY PILOT PROJECT. (a) *Administration and*
24 *evaluation.* Except as provided in par. (d), the department shall conduct and

1 evaluate a real work, real pay pilot project from January 1, 2008, to December 31,
2 2009.

3 (b) *Eligibility and project limits.* 1. Except as specifically provided in this
4 subsection, all general and nonfinancial eligibility requirements under s. 49.145
5 apply to participants under this subsection, and all requirements under sub. (3), as
6 they apply to Wisconsin Works agencies, employers, and participants, apply to
7 Wisconsin Works agencies, employers, and participants under this subsection.

8 2. The project shall be limited to 100 individuals and shall be conducted in at
9 least one of the geographical areas established by the department under s. 49.143 (6)
10 that is in Milwaukee County and in at least 2 of those geographical areas that are
11 not in Milwaukee County.

12 (c) *Employer subsidies and reimbursements.* The Wisconsin Works agency
13 shall pay an employer that employs a participant under this subsection a monthly
14 wage subsidy that does not exceed the federal minimum wage for no more than 30
15 hours of work per week. Worksite training activities prescribed by the employer that
16 are consistent with training provided to other employees at the worksite are
17 considered work for purposes of calculating the wage subsidy under this paragraph.
18 In addition to the wage subsidy, the Wisconsin Works agency shall reimburse the
19 employer for up to 100 percent of all of the following costs that are attributable to
20 employment of the participant:

- 21 1. Federal social security taxes.
- 22 2. State and federal unemployment contributions or taxes, if any.
- 23 3. Worker's compensation insurance premiums, if any.

24 (d) *Time-limited participation and payment extension.* An individual may
25 participate in the project under this subsection for a maximum of 6 months, with an

1 opportunity for an extension of up to 3 months. Notwithstanding the ending date for
2 the project, payments under par. (c) for any participant who is accepted into the
3 project before December 31, 2009, shall be made until the participant completes his
4 or her 6-month participation period or any extension to it already commenced before
5 that date.

6 (e) *Mentors and stipends.* The Wisconsin Works agency and employer of a
7 participant under this subsection shall work together to find a mentor for the
8 participant at the participant's work site. The Wisconsin Works agency shall pay
9 each mentor a monthly stipend of \$50.

10 (f) *Employer effort to retain, refer, or evaluate participant.* An employer that
11 employs a participant under this subsection and receives a wage subsidy shall agree
12 to make a good faith effort to retain the participant as a permanent unsubsidized
13 employee after the wage subsidy ends if the participant successfully completes
14 participation in the project under this subsection. An employer shall also agree that,
15 if the employer does not retain a participant as a permanent unsubsidized employee,
16 the employer will serve as an employment reference for the participant or provide
17 to the Wisconsin Works agency a written performance evaluation of the participant,
18 including recommendations for improvements.

19 **SECTION 1411.** 49.147 (6) (c) of the statutes is amended to read:

20 49.147 (6) (c) *Distribution and administration.* From the appropriation under
21 s. 20.445 (3) 20.437 (2) (jL), the department shall distribute funds for job access loans
22 to a Wisconsin Works agency, which shall administer the loans in accordance with
23 rules promulgated by the department.

24 **SECTION 1412.** 49.147 (6) (cm) 1. of the statutes is amended to read:

1 49.147 (6) (cm) 1. The department of workforce development may, in the
2 manner provided in s. 49.85, collect job access loan repayments that are delinquent
3 under the terms of a repayment agreement. The department of workforce
4 development shall credit all delinquent repayments collected by the department of
5 revenue as a setoff under s. 71.93 to the appropriation account under s. 20.445 (3)
6 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department
7 of workforce development from collecting delinquent repayments through other
8 legal means.

9 **SECTION 1420f.** 49.155 (1) (intro.) of the statutes is amended to read:

10 49.155 (1) DEFINITIONS. (intro.) In this section, except as otherwise provided:

11 **SECTION 1420m.** 49.155 (1g) of the statutes is repealed and recreated to read:

12 49.155 (1g) DISTRIBUTION OF FUNDS. Within the limits of the availability of the
13 federal child care and development block grant funds received under 42 USC 9858,
14 the department shall do all of the following:

15 (a) Subject to sub. (1j), spend no more than the minimum amount required
16 under 42 USC 9858 on programs to improve the quality and availability of child care.
17 From the appropriations under s. 20.445 (3) (cm), (kx), (mc), and (md), the
18 department shall allocate and distribute funding in each fiscal year for all of the
19 following:

20 1. A child care scholarship and bonus program, in the amount of at least
21 \$3,475,000 per fiscal year.

22 2. Grants under s. 49.134 (2) for child day care resource and referral services,
23 in the amount of at least \$1,225,000 per fiscal year.

24 3. A transfer to the appropriation account under s. 20.435 (3) (kx) for child care
25 licensing activities, in the amount of at least \$4,800,600 per fiscal year.

1 4. Grants under s. 49.137 (4m).

2 5. Contracts under s. 49.137 (4) for training and technical assistance.

3 6. The department's share of the costs for the Child Care Information Center
4 operated by the division for libraries, technology, and community learning in the
5 department of public instruction.

6 (b) Subject to sub. (1j), from the appropriations under s. 20.445 (3) (cm), (kx),
7 and (mc), distribute \$1,765,600 in fiscal year 2007-08 and \$1,600,300 in fiscal year
8 2008-09 for administration of the department's office of child care.

9 **SECTION 1420n.** 49.155 (1g) (a) (intro.) and 3. and (b) of the statutes, as affected
10 by 2007 Wisconsin Act ... (this act), are amended to read:

11 49.155 (1g) (a) (intro.) Subject to sub. (1j), spend no more than the minimum
12 amount required under 42 USC 9858 on programs to improve the quality and
13 availability of child care. From the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (cm),
14 (kx), (mc), and (md), the department shall allocate and distribute funding in each
15 fiscal year for all of the following:

16 3. A transfer to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kx) for
17 child care licensing activities, in the amount of at least \$4,800,600 per fiscal year.

18 (b) Subject to sub. (1j), from the appropriations under s. ~~20.445 (3)~~ 20.437 (2)
19 (cm), (kx), and (mc), distribute \$1,765,600 in fiscal year 2007-08 and \$1,600,300 in
20 fiscal year 2008-09 for administration of the department's office of child care.

21 **SECTION 1425.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

22 49.155 (1m) (a) 3m. Participate in a job search or work experience component
23 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

24 **SECTION 1432c.** 49.155 (5) of the statutes is amended to read:

1 49.155 (5) LIABILITY FOR PAYMENT. An individual is liable for the percentage of
2 the cost of the child care specified by the department in a printed copayment
3 schedule. The department may not increase copayment amounts by more than 2.8
4 percent per year. An individual who is under the age of 20 and is attending high
5 school or participating in a course of study meeting the standards established under
6 s. 115.29 (4) for the granting of a declaration of equivalency to high school graduation
7 may not be determined liable for more than the minimum copayment amount for the
8 type of child care received and the number of children receiving child care.

9 **SECTION 1432m.** 49.155 (6m) of the statutes is created to read:

10 49.155 (6m) CHILD CARE PROVIDER REIMBURSEMENTS. (a) In this subsection,
11 “child care provider” means a provider licensed under s. 48.65.

12 (b) The department shall reimburse a child care provider on the basis of the
13 number of authorized hours for a child to receive services from the child care provider
14 and shall adjust the number of authorized hours on the basis of a child’s history of
15 underutilization. For this purpose, the department shall do all of the following:

16 1. Program the child care computer system to track the hourly usage of child
17 care authorized hours for each child for each child care provider over a review period
18 of 6 consecutive 2-week periods and to automatically adjust a child’s authorized
19 hours if usage is consistently less than 50 percent of the authorized hours for the
20 child in each of those 2-week periods.

21 2. Reduce the authorized hours for a child to reflect actual usage and provide
22 an automated notice to the child’s parent, child care provider, and local case worker
23 that allows a reasonable time for the child care provider to fill the vacant child care
24 slot.

1 3. Adjust the authorized hours for a child to the highest usage during the
2 12-week review period, except that the department may not set the authorized hours
3 for a child at a level that is less than 20 hours per week.

4 (c) The department shall allow families to request adjustments in authorized
5 hours if needed to meet work requirements and to appeal any determinations made
6 with respect to adjustments in authorized hours under par. (b).

7 **SECTION 1434.** 49.1635 (1) of the statutes is amended to read:

8 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
9 from the appropriation under s. 20.445 (3) 20.437 (2) (md) the department may
10 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the
11 amount received by the foundation from private donations, but not to exceed
12 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this
13 subsection may be used only for the provision of legal services to individuals who are
14 eligible for temporary assistance for needy families under 42 USC 601 et seq. and
15 whose incomes are at or below 200% of the poverty line.

16 **SECTION 1435.** 49.175 (1) (intro.) of the statutes is amended to read:

17 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
18 the limits of the appropriations under s. 20.445 (3) 20.437 (2) (a), (cm), (dz), (k), (kx),
19 (L), (mc), (md), (me), and (s), the department shall allocate the following amounts for
20 the following purposes:

21 **SECTION 1436.** 49.175 (1) (a) of the statutes is amended to read:

22 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
23 \$59,184,700 \$44,068,500 in fiscal year 2005-06 2007-08 and \$51,930,000
24 \$43,392,200 in fiscal year 2006-07 2008-09.

25 **SECTION 1437.** 49.175 (1) (b) of the statutes is amended to read:

1 49.175 (1) (b) *Wisconsin Works administration*. For administration of
2 Wisconsin Works performed under contracts under s. 49.143, \$18,999,900
3 \$10,701,100 in fiscal year 2005-06 2007-08 and \$16,834,100 \$10,701,100 in fiscal
4 year 2006-07 2008-09.

5 **SECTION 1438.** 49.175 (1) (c) of the statutes is repealed.

6 **SECTION 1439.** 49.175 (1) (f) of the statutes is amended to read:

7 49.175 (1) (f) *Wisconsin Works ancillary services*. For program services under
8 Wisconsin Works provided under contracts under s. 49.143, \$49,534,800 \$38,471,500
9 in fiscal year 2005-06 2007-08 and \$43,463,000 \$38,471,500 in fiscal year 2006-07
10 2008-09.

11 **SECTION 1440.** 49.175 (1) (g) of the statutes is amended to read:

12 49.175 (1) (g) *State administration of public assistance programs*. For state
13 administration of public assistance programs, \$16,060,000 \$16,670,100 in each
14 fiscal year 2007-08 and \$16,868,500 in fiscal year 2008-09.

15 **SECTION 1441.** 49.175 (1) (i) of the statutes is amended to read:

16 49.175 (1) (i) *Emergency assistance*. For emergency assistance under s. 49.138,
17 \$4,500,000 \$6,000,000 in each fiscal year.

18 **SECTION 1442.** 49.175 (1) (p) of the statutes is amended to read:

19 49.175 (1) (p) *Direct child care services*. For direct child care services under s.
20 49.155, \$310,332,100 \$345,601,800 in fiscal year 2005-06 2007-08 and
21 \$313,432,100 \$355,352,000 in fiscal year 2006-07 2008-09.

22 **SECTION 1443c.** 49.175 (1) (q) of the statutes is amended to read:

23 49.175 (1) (q) *Indirect-child Child care services state administration*. For
24 indirect administration of child care services under s. 49.155 (1g), \$9,926,700 (b),

1 ~~\$1,765,600~~ in fiscal year 2005-06 ~~2007-08~~ and ~~\$9,929,000~~ \$1,600,300 in fiscal year
2 ~~2006-07~~ 2008-09.

3 **SECTION 1444.** 49.175 (1) (qm) of the statutes is amended to read:

4 49.175 (1) (qm) *Quality care for quality kids.* For the child care quality
5 improvement activities specified in s. 49.155 (1g) (d), ~~\$3,378,500~~ (a), \$5,311,000 in
6 each fiscal year.

7 **SECTION 1444c.** 49.175 (1) (qs) of the statutes is created to read:

8 49.175 (1) (qs) *Child care licensing.* For child care licensing, at least \$4,800,600
9 in each fiscal year.

10 **SECTION 1445.** 49.175 (1) (r) of the statutes is repealed.

11 **SECTION 1448.** 49.175 (1) (ze) (title) of the statutes is amended to read:

12 49.175 (1) (ze) (title) *Programs administered by the department of health and*
13 *family services relating to children and families.*

14 **SECTION 1449.** 49.175 (1) (ze) 1. of the statutes is amended to read:

15 49.175 (1) (ze) 1. 'Kinship care and long-term kinship care assistance.' For the
16 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
17 (3p), ~~\$23,034,200~~ in fiscal year 2005-06 and ~~\$22,686,300~~ \$23,579,800 in each fiscal
18 year 2006-07.

19 **SECTION 1450.** 49.175 (1) (ze) 2. of the statutes is amended to read:

20 49.175 (1) (ze) 2. 'Children of recipients of supplemental security income.' For
21 payments made under s. 49.775 for the support of the dependent children of
22 recipients of supplemental security income, ~~\$30,444,000~~ \$30,094,700 in fiscal year
23 ~~2005-06~~ 2007-08 and ~~\$30,394,000~~ \$30,094,700 in fiscal year ~~2006-07~~ 2008-09.

24 **SECTION 1451.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

1 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
2 provided in counties having a population of 500,000 or more to ensure the safety of
3 children who the department of health and family services determines may remain
4 at home if appropriate services are provided, \$5,707,200 and for ongoing services
5 provided in those counties to families with children placed in out-of-home care,
6 \$5,631,300 in each fiscal year.

7 SECTION 1452. 49.175 (1) (ze) 10m. of the statutes, as affected by 2007
8 Wisconsin Act (this act), is amended to read:

9 49.175 (1) (ze) 10m. 'Safety and out-of-home placement services.' For services
10 provided in counties having a population of 500,000 or more to ensure the safety of
11 children who the department of health and family services determines may remain
12 at home if appropriate services are provided, and for ongoing services provided in
13 those counties to families with children placed in out-of-home care, \$5,631,300 in
14 each fiscal year.

15 SECTION 1453. 49.175 (1) (ze) 12. of the statutes is amended to read:

16 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
17 the costs associated with the Milwaukee child welfare information system and the
18 Wisconsin statewide automated child welfare information system, \$1,310,800
19 \$1,510,500 in fiscal year 2005-06 2007-08 and \$1,317,700 \$1,532,100 in fiscal year
20 2006-07 2008-09.

21 SECTION 1454. 49.175 (1) (zh) of the statutes is amended to read:

22 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
23 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation
24 account under s. 20.835 (2) (kf) for the earned income tax credit, \$55,232,000
25 \$16,125,400 in each fiscal year 2007-08 and \$6,664,200 in fiscal year 2008-09.

1 **SECTION 1455.** 49.175 (1) (zh) of the statutes, as affected by 2007 Wisconsin Act
2 ... (this act), is amended to read:

3 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
4 moneys from the appropriation account under s. 20.445-~~(3)~~ 20.437 (2) (md) to the
5 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,
6 \$16,125,400 in fiscal year 2007-08 and \$6,664,200 in fiscal year 2008-09.

7 **SECTION 1456.** 49.175 (2) (c) of the statutes is amended to read:

8 49.175 (2) (c) If the amounts of federal block grant moneys that are required
9 to be credited to the appropriation accounts under s. 20.445-~~(3)~~ 20.437 (2) (mc) and
10 (md) are less than the amounts appropriated under s. 20.445-~~(3)~~ 20.437 (2) (mc) and
11 (md), the department shall submit a plan to the secretary of administration for
12 reducing the amounts of moneys allocated under sub. (1). If the secretary of
13 administration approves the plan, the amounts of moneys required to be allocated
14 under sub. (1) may be reduced as proposed by the department and the department
15 shall allocate the moneys as specified in the plan.

16 **SECTION 1459.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

17 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed
18 under s. 48.62 if a license is required under that section, in a foster home or treatment
19 foster home located within the boundaries of a federally recognized American Indian
20 reservation in this state and licensed by the tribal governing body of the reservation,
21 in a group home licensed under s. 48.625, or in a residential care center for children
22 and youth licensed under s. 48.60, and has been placed in the foster home, treatment
23 foster home, group home, or center by a county department under s. 46.215, 46.22,
24 or 46.23, by the department of health and family services, by the department of

1 corrections, or by a federally recognized American Indian tribal governing body in
2 this state under an agreement with a county department.

3 **SECTION 1460.** 49.19 (10) (a) of the statutes is amended to read:

4 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who
5 cares for a child dependent upon the public for proper support in a foster home or
6 treatment foster home having a license under s. 48.62, in a foster home or treatment
7 foster home located within the boundaries of a federally recognized American Indian
8 reservation in this state and licensed by the tribal governing body of the reservation
9 or in a group home licensed under s. 48.625, regardless of the cause or prospective
10 period of dependency. The state shall reimburse counties pursuant to the procedure
11 under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set forth in s.
12 ~~46.495~~ 48.569 (1) (d) for aid granted under this subsection except that if the child does
13 not have legal settlement in the granting county, state reimbursement shall be at
14 100%. The county department under s. 46.215 or 46.22 shall determine the legal
15 settlement of the child. A child under one year of age shall be eligible for aid under
16 this subsection irrespective of any other residence requirement for eligibility within
17 this section.

18 **SECTION 1461.** 49.19 (10) (d) of the statutes is amended to read:

19 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
20 treatment foster home, group home, or residential care center for children and youth
21 by the state when the child is in the custody or guardianship of the state, when the
22 child is a ward of an American Indian tribal court in this state and the placement is
23 made under an agreement between the department and the tribal governing body,
24 or when the child was part of the state's direct service case load and was removed
25 from the home of a relative specified in sub. (1) (a) as a result of a judicial

1 determination that continuance in the home of a relative would be contrary to the
2 child's welfare for any reason and the child is placed by the department of health and
3 family services or the department of corrections.

4 **SECTION 1462.** 49.19 (11) (a) 1. a. of the statutes is amended to read:

5 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly
6 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families
7 with dependent children shall be based on family size and shall be at 80% of the total
8 of the allowances under subs. 2. and 4. plus the following standards of assistance
9 beginning on September 1, 1987:

Figure 49.19 (11) (a) 1. a.:

<u>FAMILY SIZE</u>	<u>AREA I</u>	<u>AREA II</u>
1	\$ 311	\$ 301
2	550	533
3	647	626
4	772	749
5	886	861
6	958	929
7	1,037	1,007
8	1,099	1,068
9	1,151	1,117
10	1,179	1,143

10 **SECTION 1463.** 49.19 (11s) (d) of the statutes is amended to read:

11 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the
12 department may award grants to county departments under ss. 46.215, 46.22 and
13 46.23 for providing education services relating to family planning, as defined in s.
14 253.07 (1) (a), to persons who are subject to par. (b).

15 **SECTION 1464.** 49.195 (3r) of the statutes is amended to read:

16 49.195 (3r) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (L) the
17 department may contract with or employ a collection agency or other person to

1 enforce a repayment obligation of a person who is found liable under sub. (3) who is
2 delinquent in making repayments.

3 **SECTION 1465.** 49.197 (1m) of the statutes is amended to read:

4 49.197 (1m) FRAUD INVESTIGATION. From the appropriations under s. 20.445 (3)
5 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program
6 to investigate suspected fraudulent activity on the part of recipients of aid to families
7 with dependent children under s. 49.19, on the part of participants in the Wisconsin
8 Works program under ss. 49.141 to 49.161, and, if the department of health and
9 family services contracts with the department under sub. (5), on the part of recipients
10 of medical assistance under subch. IV, food stamp benefits under the food stamp
11 program under 7 USC 2011 to 2036, supplemental security income payments under
12 s. 49.77, payments for the support of children of supplemental security income
13 recipients under s. 49.775, and health care benefits under the Badger Care health
14 care program under s. 49.665. The department's activities under this subsection may
15 include, but are not limited to, comparisons of information provided to the
16 department by an applicant and information provided by the applicant to other
17 federal, state, and local agencies, development of an advisory welfare investigation
18 prosecution standard, and provision of funds to county departments under ss.
19 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to
20 detect fraud. The department shall cooperate with district attorneys regarding
21 fraud prosecutions.

22 **SECTION 1465m.** 49.197 (2) of the statutes is created to read:

23 49.197 (2) FRAUD INVESTIGATION BY COUNTIES AND TRIBAL GOVERNING BODIES. (a)
24 In this subsection, "tribal governing body" means an elected governing body of a
25 federally recognized American Indian tribe.

1 (b) A county or tribal governing body may establish a program to investigate
2 suspected fraudulent activity on the part of participants in the Wisconsin Works
3 program under this subchapter, including persons receiving a child care subsidy
4 under s. 49.155, and to recover incorrect payments made or incorrect benefits
5 provided as a result of fraudulent activity.

6 (c) If a county or tribal governing body establishes a program under par. (a), the
7 county or tribal governing body shall pay to the department all of the following:

8 1. Fifty percent of all amounts recovered by the county or tribal governing body
9 as a result of its program during the first month in which it recovers any amounts
10 as a result of its program.

11 2. Sixty-six percent of all amounts recovered by the county or tribal governing
12 body as a result of its program during the 2nd month in which it recovers any
13 amounts as a result of its program.

14 3. One hundred percent of all amounts recovered by the county or tribal
15 governing body as a result of its program after the 2nd month in which it recovers
16 any amounts as a result of its program.

17 (d) The department shall credit all moneys received under this subsection to
18 the appropriation account under s. 20.445 (3) (g). The department shall use moneys
19 recovered as a result of fraud in the Wisconsin Works program, other than the child
20 care subsidy program under s. 49.155, for the Wisconsin Works program other than
21 the child care subsidy program and shall use moneys recovered as a result of fraud
22 in the child care subsidy program under s. 49.155 for the child care subsidy program.

23 **SECTION 1465p.** 49.197 (2) (d) of the statutes, as created by 2007 Wisconsin Act

24 (this act), is amended to read:

1 49.197 (2) (d) The department shall credit all moneys received under this
2 subsection to the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (g). The
3 department shall use moneys recovered as a result of fraud in the Wisconsin Works
4 program, other than the child care subsidy program under s. 49.155, for the
5 Wisconsin Works program other than the child care subsidy program and shall use
6 moneys recovered as a result of fraud in the child care subsidy program under s.
7 49.155 for the child care subsidy program.

8 **SECTION 1466.** 49.197 (4) of the statutes is amended to read:

9 49.197 (4) COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and
10 family services contracts with the department under sub. (5), the department shall
11 provide funds from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (kx) to counties
12 and governing bodies of federally recognized American Indian tribes administering
13 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to
14 2036, the supplemental security income payments program under s. 49.77, the
15 program providing payments for the support of children of supplemental security
16 income recipients under s. 49.775, and the Badger Care health care program under
17 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

18 **SECTION 1467.** 49.22 (2m) (a) of the statutes is amended to read:

19 49.22 (2m) (a) The department may request from any person in this state
20 information it determines appropriate and necessary for the administration of this
21 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468 and, 49.47, and 49.471 and
22 programs carrying out the purposes of 7 USC 2011 to 2029. Unless access to the
23 information is prohibited or restricted by law, or unless the person has good cause,
24 as determined by the department in accordance with federal law and regulations, for
25 refusing to cooperate, the person shall make a good faith effort to provide this

1 information within 7 days after receiving a request under this paragraph. Except
2 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the
3 county child support agency under s. 59.53 (5) may disclose information obtained
4 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,
5 49.19, 49.46 and, 49.47, and 49.471 and programs carrying out the purposes of 7 USC
6 2011 to 2029. Employees of the department or a county child support agency under
7 s. 59.53 (5) are subject to s. 49.83.

8 **SECTION 1468.** 49.22 (2m) (b) of the statutes is amended to read:

9 49.22 (2m) (b) The department or county child support agency under s. 59.53
10 (5) may issue a subpoena, in substantially the form authorized under s. 885.02, to
11 compel the production of financial information and other documentary evidence in
12 the administration of this section, ss. 49.145, 49.19, 49.46 and, 49.47, and 49.471 and
13 programs carrying out the purposes of 7 USC 2011 to 2029.

14 **SECTION 1469.** 49.22 (2m) (c) 3. of the statutes is amended to read:

15 49.22 (2m) (c) 3. Any other action taken in good faith to comply with this section
16 or a subpoena described in par. (bc) or to comply with a request for information or
17 access to records from the department or a county child support agency under s. 59.53
18 (5) in the administration of this section, ss. 49.145, 49.19, 49.46 and, 49.47, and
19 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

20 **SECTION 1470.** 49.22 (6) of the statutes is amended to read:

21 49.22 (6) The department shall establish, pursuant to federal and state laws,
22 rules and regulations, a uniform system of fees for services provided under this
23 section to individuals not receiving aid under s. 46.261 ~~48.645~~, 49.19, or 49.47;
24 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
25 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term

1 kinship care payments under s. 48.57 (3n). The system of fees may take into account
2 an individual's ability to pay. Any fee paid and collected under this subsection may
3 be retained by the county providing the service except for the fee specified in 42 USC
4 653 (e) (2) for federal parent locator services.

5 **SECTION 1471.** 49.22 (6) of the statutes, as affected by 2007 Wisconsin Act
6 (this act), is amended to read:

7 49.22 (6) The department shall establish, pursuant to federal and state laws,
8 rules and regulations, a uniform system of fees for services provided under this
9 section to individuals not receiving aid under s. 48.645, 49.19 or, 49.47, or 49.471;
10 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
11 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term
12 kinship care payments under s. 48.57 (3n). The system of fees may take into account
13 an individual's ability to pay. Any fee paid and collected under this subsection may
14 be retained by the county providing the service except for the fee specified in 42 USC
15 653 (e) (2) for federal parent locator services.

16 **SECTION 1472.** 49.22 (7) of the statutes is amended to read:

17 49.22 (7) The department may represent the state in any action to establish
18 paternity or to establish or enforce a support or maintenance obligation. The
19 department may delegate its authority to represent the state in any action to
20 establish paternity or to establish or enforce a support or maintenance obligation
21 under this section to an attorney responsible for support enforcement under s. 59.53
22 (6)(a) pursuant to a contract entered into under s. 59.53 (5). The department shall
23 ensure that any such contract is for an amount reasonable and necessary to assure
24 quality service. The department may, by such a contract, authorize a county to
25 contract with any attorney, collection agency or other person to collect unpaid child

1 support or maintenance. If a county fails to fully implement the programs under s.
2 59.53 (5), the department may implement them and may contract with any
3 appropriate person to obtain necessary services. The department shall establish a
4 formula for disbursing funds appropriated under s. ~~20.445 (3)~~ 20.437 (2) (md) to carry
5 out a contract under this subsection.

6 **SECTION 1473.** 49.24 (1) of the statutes is amended to read:

7 49.24 (1) From the appropriation under s. 20.445 (3) ~~(k)~~ (b), the department
8 shall provide child support incentive payments to counties. Total payments In fiscal
9 year 2007-08, amounts allocated by the department under this subsection may not
10 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
11 with fiscal year 2008-09, amounts allocated under this subsection may not exceed
12 \$5,690,000 ~~\$5,500,000~~ per fiscal year, plus any amounts not obligated in the prior
13 fiscal year.

14 **SECTION 1474.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act
15 (this act), section 1473, is amended to read:

16 49.24 (1) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (b), the
17 department shall provide child support incentive payments to counties. In fiscal
18 year 2007-08, amounts allocated by the department under this subsection may not
19 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
20 with fiscal year 2008-09, amounts allocated under this subsection may not exceed
21 \$5,500,000 per fiscal year, plus any amounts not obligated in the prior fiscal year.

22 **SECTION 1474d.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act
23 (this act), section 1473, is amended to read:

24 49.24 (1) From the appropriation under s. 20.445 (3) (b) ~~(k)~~, the department
25 shall provide child support incentive payments to counties. In fiscal year 2007-08,

1 amounts allocated by the department Total payments under this subsection may not
2 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
3 with fiscal year 2008–09, amounts allocated under this subsection may not exceed
4 \$5,500,000 \$5,690,000 per fiscal year, plus any amounts not obligated in the prior
5 fiscal year.

6 **SECTION 1475.** 49.24 (2) (b) (intro.) of the statutes is amended to read:

7 49.24 (2) (b) (intro.) Subject to the incentive payments limit specified in par.
8 (a), the department shall distribute to counties, in accordance with the formula
9 established under par. (a), all of the following:

10 **SECTION 1475d.** 49.24 (2) (b) (intro.) of the statutes, as affected by 2007
11 Wisconsin Act (this act), is amended to read:

12 49.24 (2) (b) (intro.) Subject to the incentive payments limit specified in par.
13 (a), the department shall distribute to counties, in accordance with the formula
14 established under par. (a), all of the following:

15 **SECTION 1476.** 49.24 (2) (d) of the statutes is repealed.

16 **SECTION 1476d.** 49.24 (2) (dm) of the statutes is created to read:

17 49.24 (2) (dm) If the amount of federal child support incentive payments
18 awarded to the state for a federal fiscal year is less than \$12,340,000, the total of
19 payments distributed to counties under par. (b) and sub. (1) for that federal fiscal
20 year may not exceed \$12,340,000.

21 **SECTION 1476g.** 49.24 (4) of the statutes is created to read:

22 49.24 (4) If federal legislation reinstates the matching of federal funds for
23 federal child support incentive payments, the department shall provide a notice in
24 the Wisconsin Administrative Register that states the effective date of that federal
25 legislation.

1 **SECTION 1477.** 49.26 (1) (d) of the statutes is amended to read:

2 49.26 (1) (d) A county department or Wisconsin works Works agency that
3 provides services under this subsection directly shall develop a plan, in coordination
4 with the school districts located in whole or in part in the county, describing the
5 assistance that the county department or Wisconsin works Works agency and school
6 districts will provide to individuals receiving services under this subsection, the
7 number of individuals that will be served and the estimated cost of the services. The
8 county department or Wisconsin works Works agency shall submit the plan to the
9 department of workforce development and the department of public instruction by
10 January 15, annually.

11 **SECTION 1478.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

12 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
13 works Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5)
14 or who is a recipient of aid under s. 49.19 is subject to the school attendance
15 requirement under par. (ge) if all of the following apply:

16 **SECTION 1479.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

17 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin works
18 Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5) and who
19 fails to meet the school attendance requirement under par. (ge) is subject to a
20 monthly sanction.

21 **SECTION 1480.** 49.27 of the statutes is created to read:

22 **49.27 Legal actions.** The department may sue and be sued.

23 **SECTION 1481.** 49.273 of the statutes is created to read:

24 **49.273 Research, investigations.** The secretary shall plan for and establish
25 within the department a program of research designed to determine the

1 effectiveness of the treatment, curative, and rehabilitative programs of the various
2 divisions of the department. The secretary may inquire into any matter affecting
3 children and families, hold hearings, subpoena witnesses and make
4 recommendations on those matters to the appropriate public or private agencies.

5 **SECTION 1482.** 49.275 of the statutes is amended to read:

6 **49.275 Cooperation with federal government.** The department may
7 cooperate with the federal government in carrying out federal acts concerning public
8 assistance under this subchapter and child welfare under ch. 48 and in other matters
9 of mutual concern under this subchapter pertaining to public welfare and under ch.
10 48 pertaining to child welfare.

11 **SECTION 1483.** 49.32 (1) (a) of the statutes is amended to read:

12 **49.32 (1) (a)** The Except as provided in s. 49.345 (14) (b) and (c), the department
13 shall establish a uniform system of fees for services provided or purchased under this
14 subchapter and ch. 48 by the department, or a county department under s. 46.215,
15 46.22, or 46.23, except as provided in s. 49.22 (6) and except where when, as
16 determined by the department, a fee is administratively unfeasible or would
17 significantly prevent accomplishing the purpose of the service. A county department
18 under s. 46.215, 46.22 or 46.23 shall apply the fees which that it collects under this
19 program to cover the cost of such those services. The department shall report to the
20 joint committee on finance no later than March 1 of each year on the number of
21 children placed for adoption by the department during the previous year and the
22 costs to the state for services relating to such adoptions.

23 **SECTION 1484.** 49.32 (1) (am) of the statutes is created to read:

1 49.32 (1) (am) Paragraph (a) does not prevent the department from charging
2 and collecting the cost of adoptive placement investigations and child care as
3 authorized under s. 48.837 (7).

4 **SECTION 1485.** 49.32 (1) (b) of the statutes is amended to read:

5 49.32 (1) (b) Any Except as provided in s. 49.345 (14) (b) and (c), any person
6 receiving services provided or purchased under par. (a) or the spouse of the person
7 and, in the case of a minor, the parents of the person, and, in the case of a foreign child
8 described in s. 48.839 (1) who became dependent on public funds for his or her
9 primary support before an order granting his or her adoption, the resident of this
10 state appointed guardian of the child by a foreign court who brought the child into
11 this state for the purpose of adoption, shall be liable for the services in the amount
12 of the fee established under par. (a).

13 **SECTION 1486.** 49.32 (1) (c) of the statutes is amended to read:

14 49.32 (1) (c) The department shall make collections from the person who in the
15 opinion of the department is best able to pay, giving due regard to the present needs
16 of the person or of his or her lawful dependents. The department may bring an action
17 in the name of the department to enforce the liability established under par. (b). This
18 paragraph does not apply to the recovery of fees for the care and services specified
19 under s. 49.345.

20 **SECTION 1487.** 49.32 (2) (d) of the statutes is created to read:

21 49.32 (2) (d) The department shall disburse from state or federal funds or both
22 the entire amount and charge the county for its share under s. 48.569.

23 **SECTION 1488.** 49.32 (9) (a) of the statutes is amended to read:

24 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
25 administering aid to families with dependent children shall maintain a monthly

1 report at its office showing the names of all persons receiving aid to families with
2 dependent children together with the amount paid during the preceding month.
3 Each Wisconsin works Works agency administering Wisconsin works Works under
4 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
5 of all persons receiving benefits under s. 49.148 together with the amount paid
6 during the preceding month. Nothing in this paragraph shall be construed to
7 authorize or require the disclosure in the report of any information (names, amounts
8 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children
9 in foster homes or treatment foster homes under s. ~~46.261~~ 48.645 or 49.19 (10).

10 **SECTION 1489.** 49.32 (11) of the statutes is renumbered 103.005 (21) and
11 amended to read:

12 **103.005 (21) COMMUNITY ACTION AGENCIES.** The department shall distribute all
13 of the funds under s. 20.445 (3) (1) (cr) to community action agencies and
14 organizations, including any of the 11 federally recognized tribal governing bodies
15 in this state and limited-purpose agencies, in proportion to the share of funds
16 actually allocated to these entities under 42 USC 1315 and from other federal and
17 private foundation sources that provide funds for job creation and development for
18 individuals with low incomes.

19 **SECTION 1490.** 49.32 (11m) of the statutes is created to read:

20 **49.32 (11m) CONSOLIDATION OF ALLOCATED TRIBAL FUNDS.** The department may
21 consolidate funds appropriated under s. 20.437 that are authorized or required to be
22 allocated to federally recognized American Indian tribes or bands into a single
23 distribution for each tribe or band in each fiscal year.

24 **SECTION 1491.** 49.32 (12) of the statutes is amended to read:

1 49.32 (12) ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42
2 granted by the department under this subchapter or ch. 48 may be conducted before
3 the division of hearings and appeals in the department of administration.

4 **SECTION 1492.** 49.325 (1)(a) of the statutes is amended to read:

5 49.325 (1) (a) Each county department under s. 46.215, 46.22, or 46.23 shall
6 submit its final budget for services directly provided or purchased under this
7 subchapter or ch. 48 to the department by December 31 annually.

8 **SECTION 1493.** 49.325 (2) of the statutes is amended to read:

9 49.325 (2) ASSESSMENT OF NEEDS. Before developing and submitting a proposed
10 budget for services directly provided or purchased under this subchapter or ch. 48
11 to the county executive or county administrator or the county board, the county
12 departments listed in sub. (1) shall assess needs and inventory resources and
13 services, using an open public participation process.

14 **SECTION 1494.** 49.325 (2g) (a) of the statutes is amended to read:

15 49.325 (2g) (a) The department shall annually submit to the county board of
16 supervisors in a county with a single-county department or the county boards of
17 supervisors in counties with a multicounty department a proposed written contract
18 containing the allocation of funds for services directly provided or purchased under
19 this subchapter or ch. 48 and such administrative requirements as necessary. The
20 contract as approved may contain conditions of participation consistent with federal
21 and state law. The contract may also include provisions necessary to ensure uniform
22 cost accounting of services. Any changes to the proposed contract shall be mutually
23 agreed upon. The county board of supervisors in a county with a single-county
24 department or the county boards of supervisors in counties with a multicounty
25 department shall approve the contract before January 1 of the year in which it takes

1 effect unless the department grants an extension. The county board of supervisors
2 in a county with a single-county department or the county boards of supervisors in
3 counties with a multicounty department may designate an agent to approve addenda
4 to any contract after the contract has been approved.

5 **SECTION 1495.** 49.325 (2g) (c) of the statutes is amended to read:

6 49.325 (2g) (c) The joint committee on finance may require the department to
7 submit contracts between county departments under ss. 46.215, 46.22, and 46.23
8 and providers of services under this subchapter or ch. 48 to the committee for review
9 and approval.

10 **SECTION 1496.** 49.325 (2r) (a) 1. of the statutes is amended to read:

11 49.325 (2r) (a) 1. For services under this subchapter which or ch. 48 that
12 duplicate or are inconsistent with services being provided or purchased by the
13 department or other county departments receiving grants-in-aid or reimbursement
14 from the department.

15 **SECTION 1497.** 49.325 (2r) (a) 2. of the statutes is amended to read:

16 49.325 (2r) (a) 2. Inconsistent with state or federal statutes, rules, or
17 regulations, in which case the department may also arrange for provision of services
18 under this subchapter or ch. 48 by an alternate agency. The department may not
19 arrange for provision of services by an alternate agency unless the joint committee
20 on finance or a review body designated by the committee reviews and approves the
21 department's determination.

22 **SECTION 1498.** 49.325 (3) (a) of the statutes is amended to read:

23 49.325 (3) (a) *Citizen advisory committee.* Except as provided in par. (b), the
24 county board of supervisors of each county or the county boards of supervisors of 2
25 or more counties jointly shall establish a citizen advisory committee to the county

1 departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall
2 advise in the formulation of the budget under sub. (1). Membership on the committee
3 shall be determined by the county board of supervisors in a county with a
4 single-county committee or by the county boards of supervisors in counties with a
5 multicounty committee and shall include representatives of those persons receiving
6 services, providers of services and citizens. A majority of the members of the
7 committee shall be citizens and consumers of services. At least one member of the
8 committee shall be chosen from the governing or administrative board of the
9 community action agency serving the county or counties under s. 49.265, if any. The
10 committee's membership may not consist of more than 25% county supervisors, nor
11 of more than 20% services providers. The chairperson of the committee shall be
12 appointed by the county board of supervisors establishing it. In the case of a
13 multicounty committee, the chairperson shall be nominated by the committee and
14 approved by the county boards of supervisors establishing it. The county board of
15 supervisors in a county with a single-county committee or the county boards of
16 supervisors in counties with a multicounty committee may designate an agent to
17 determine the membership of the committee and to appoint the committee
18 chairperson or approve the nominee.

19 **SECTION 1499.** 49.34 (1) of the statutes is amended to read:

20 49.34 (1) All services under this subchapter and ch. 48 purchased by the
21 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
22 authorized and contracted for under the standards established under this section.
23 The department may require the county departments to submit the contracts to the
24 department for review and approval. For purchases of \$10,000 or less the
25 requirement for a written contract may be waived by the department. No contract

1 is required for care provided by foster homes or treatment foster homes that are
2 required to be licensed under s. 48.62. When the department directly contracts for
3 services, it shall follow the procedures in this section in addition to meeting
4 purchasing requirements established in s. 16.75.

5 **SECTION 1500.** 49.34 (2) of the statutes is amended to read:

6 49.34 (2) All services purchased under this subchapter and ch. 48 shall meet
7 standards established by the department and other requirements specified by the
8 purchaser in the contract. Based on these standards the department shall establish
9 standards for cost accounting and management information systems that shall
10 monitor the utilization of the services, and document the specific services in meeting
11 the service plan for the client and the objective of the service.

12 **SECTION 1501.** 49.34 (4) (a) of the statutes is amended to read:

13 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
14 entry accounting system and a management information system which are
15 compatible with cost accounting and control systems prescribed by the department.
16 The department shall establish a simplified double-entry bookkeeping system for
17 use by family-operated group homes. Each purchaser shall determine whether a
18 family-operated group home from which it purchases services shall use the
19 double-entry accounting system or the simplified system and shall include this
20 determination in the purchase of service contract. In this paragraph,
21 “family-operated group home” means a group home licensed under s. 48.66 (1) (a) for
22 which the licensee is one or more individuals who operate not more than one group
23 home.

24 **SECTION 1502.** 49.34 (4) (c) of the statutes is amended to read:

1 49.34 (4) (c) Unless waived by the department, biennially, or annually if
2 required under federal law, provide the purchaser with a certified financial and
3 compliance audit report if the care and services purchased exceed \$25,000. The audit
4 shall follow standards that the department prescribes. A purchaser may waive the
5 requirements of this paragraph for any family-operated group home, as defined in
6 par. (a), from which it purchases services.

7 **SECTION 1503.** 49.34 (5m) (a) 1. of the statutes is amended to read:

8 49.34 (5m) (a) 1. "Provider" means a nonstock corporation organized under ch.
9 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts
10 under this section to provide client services on the basis of a unit rate per client
11 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that
12 contracts under this section to provide client services on the basis of a unit rate per
13 client service.

14 **SECTION 1504.** 49.34 (5m) (b) 1. of the statutes is amended to read:

15 49.34 (5m) (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
16 contract for the provision of a rate-based service exceeds allowable costs incurred in
17 the contract period, the provider may retain from the surplus generated by that
18 rate-based service up to 5% of the contract amount. A provider that retains a surplus
19 under this subdivision shall use that retained surplus to cover a deficit between
20 revenue and allowable costs incurred in any preceding or future contract period for
21 the same rate-based service that generated the surplus or to address the
22 programmatic needs of clients served by the same rate-based service that generated
23 the surplus.

24 **SECTION 1505.** 49.34 (5m) (b) 2. of the statutes is amended to read:

1 49.34 (5m) (b) 2. Subject to subd. 3. and par. (em), a provider may accumulate
2 funds from more than one contract period under this paragraph, except that, if at the
3 end of a contract period the amount accumulated from all contract periods for a
4 rate-based service exceeds 10% of the amount of all current contracts for that
5 rate-based service, the provider shall, at the request of a purchaser, return to that
6 purchaser the purchaser's proportional share of that excess and use any of that
7 excess that is not returned to a purchaser to reduce the provider's unit rate per client
8 for that rate-based service in the next contract period. If a provider has held for 4
9 consecutive contract periods an accumulated reserve for a rate-based service that
10 is equal to or exceeds 10% of the amount of all current contracts for that rate-based
11 service, the provider shall apply 50% of that accumulated amount to reducing its unit
12 rate per client for that rate-based service in the next contract period.

13 **SECTION 1506.** 49.34 (5m) (em) of the statutes is created to read:

14 49.34 (5m) (em) Notwithstanding par. (b) 1. and 2., a county department under
15 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
16 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
17 such a county may not retain a surplus under par. (b) 1. or accumulate funds under
18 par. (b) 2. from revenues that are used to meet the maintenance-of-effort
19 requirement under the federal temporary assistance for needy families program
20 under 42 USC 601 to 619.

21 **SECTION 1507.** 49.345 of the statutes is created to read:

22 **49.345 Cost of care and maintenance; liability; collection and**
23 **deportation counsel; collections; court actions; recovery.** (1) Liability and
24 the collection and enforcement of such liability for the care, maintenance, services,
25 and supplies specified in this section are governed exclusively by this section, except

1 in cases of child support ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a),
2 or 48.363 (2) or ch. 767.

3 (2) Except as provided in sub. (14) (b) and (c), any person, including but not
4 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m); receiving care,
5 maintenance, services, and supplies provided by any institution in this state, in
6 which the state is chargeable with all or part of the person's care, maintenance,
7 services, and supplies, and the person's property and estate, including the
8 homestead, and the spouse of the person, and the spouse's property and estate,
9 including the homestead, and, in the case of a minor child, the parents of the person,
10 and their property and estates, including their homestead, and, in the case of a
11 foreign child described in s. 48.839 (1) who became dependent on public funds for his
12 or her primary support before an order granting his or her adoption, the resident of
13 this state appointed guardian of the child by a foreign court who brought the child
14 into this state for the purpose of adoption, and his or her property and estate,
15 including his or her homestead, shall be liable for the cost of the care, maintenance,
16 services, and supplies in accordance with the fee schedule established by the
17 department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated
18 person may be lawfully dependent upon the property for his or her support, the court
19 shall release all or such part of the property and estate from the charges that may
20 be necessary to provide for the person. The department shall make every reasonable
21 effort to notify the liable persons as soon as possible after the beginning of the
22 maintenance, but the notice or the receipt thereof is not a condition of liability.

23 (3) After investigation of the liable persons' ability to pay, the department shall
24 make collection from the person who in the opinion of the department under all of
25 the circumstances is best able to pay, giving due regard to relationship and the

1 present needs of the person or of the lawful dependents. However, the liability of
2 relatives for maintenance shall be in the following order: first, the spouse of the
3 person; then, in the case of a minor, the parent or parents.

4 (4) (a) If a person liable under sub. (2) fails to make payment or enter into or
5 comply with an agreement for payment, the department may bring an action to
6 enforce the liability or may issue an order to compel payment of the liability. Any
7 person aggrieved by an order issued by the department under this paragraph may
8 appeal the order as a contested case under ch. 227 by filing with the department a
9 request for a hearing within 30 days after the date of the order.

10 (b) If judgment is rendered in an action brought under par. (a) for any balance
11 that is 90 or more days past due, interest at the rate of 12 percent per year shall be
12 computed by the clerk and added to the liable person's costs. That interest shall
13 begin on the date on which payment was due and shall end on the day before the date
14 of any interest that is computed under s. 814.04 (4).

15 (c) If the department issues an order to compel payment under par. (a), interest
16 at the rate of 12 percent per year shall be computed by the department and added
17 at the time of payment to the person's liability. That interest shall begin on the date
18 on which payment was due and shall end on the day before the date of final payment.

19 (5) If any person named in an order to compel payment issued under sub. (4)
20 (a) fails to pay the department any amount due under the terms of the order, and no
21 contested case to review the order is pending, and the time for filing for a contested
22 case review has expired, the department may present a certified copy of the order to
23 the circuit court for any county. The circuit court shall, without notice, render
24 judgment in accordance with the order. A judgment rendered under this subsection
25 shall have the same effect and shall be entered in the judgment and lien docket and

1 may be enforced in the same manner as if the judgment had been rendered in an
2 action tried and determined by the circuit court.

3 (6) The sworn statement of the collection and deportation counsel, or of the
4 secretary, shall be evidence of the fee and of the care and services received by the
5 person.

6 (7) The department shall administer and enforce this section. It shall appoint
7 an attorney to be designated "collection and deportation counsel" and other
8 necessary assistants. The department may delegate to the collection and
9 deportation counsel such other powers and duties as it considers advisable. The
10 collection and deportation counsel or any of the assistants may administer oaths,
11 take affidavits and testimony, examine public records, and subpoena witnesses and
12 the production of books, papers, records, and documents material to any matter of
13 proceeding relating to payments for the cost of maintenance. The department shall
14 encourage agreements or settlements with the liable person, having due regard to
15 ability to pay and the present needs of lawful dependents.

16 (8) The department may do any of the following:

17 (a) Appear for the state in any and all collection and deportation matters
18 arising in the several courts, and may commence suit in the name of the department
19 to recover the cost of maintenance against the person liable therefor.

20 (b) Determine whether any person is subject to deportation, and on behalf of
21 this state enter into reciprocal agreements with other states for deportation and
22 importation of persons who are public charges, upon such terms as will protect the
23 state's interests and promote mutual amicable relations with other states.

24 (c) From time to time investigate the financial condition and needs of persons
25 liable under sub. (2), their present ability to maintain themselves, the persons legally

1 dependent upon them for support, the protection of the property and investments
2 from which they derive their living and their care and protection, for the purpose of
3 ascertaining the person's ability to make payment in whole or in part.

4 (d) After due regard to the case and to a spouse and minor children who are
5 lawfully dependent on the property for support, compromise or waive any portion of
6 any claim of the state or county for which a person specified under sub. (2) is liable,
7 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
8 3rd party.

9 (e) Make an agreement with a person who is liable under sub. (2), or who may
10 be willing to assume the cost of maintenance of any person, providing for the
11 payment of such costs at a specified rate or amount.

12 (f) Make adjustment and settlement with the several counties for their proper
13 share of all moneys collected.

14 (g) Pay quarterly from the appropriation under s. 20.437 (1) (gg) the collection
15 moneys due county departments under ss. 46.22 and 46.23. Payments shall be made
16 as soon after the close of each quarter as is practicable.

17 (9) Any person who willfully testifies falsely as to any material matter in an
18 investigation or proceeding under this section shall be guilty of perjury. Banks,
19 employers, insurers, savings banks, savings and loan associations, brokers, and
20 fiduciaries, upon request of the department, shall furnish in writing and duly
21 certified, full information regarding the property, earnings, or income or any funds
22 deposited to the credit of or owing to any person liable under sub. (2). That certified
23 statement shall be admissible in evidence in any action or proceeding to compel
24 payment under this section, and shall be evidence of the facts stated in the certified

1 statement, if a copy of the statement is served upon the party sought to be charged
2 not less than 3 days before the hearing.

3 (10) The department shall make all reasonable and proper efforts to collect all
4 claims for maintenance, to keep payments current, and periodically to review all
5 unpaid claims.

6 (11) (a) Except as provided in par. (b), in any action to recover from a person
7 liable under this section, the statute of limitations may be pleaded in defense.

8 (b) If a person who is liable under this section is deceased, a claim may be filed
9 against the decedent's estate and the statute of limitations specified in s. 859.02 shall
10 be exclusively applicable. This paragraph applies to liability incurred on or after
11 July 20, 1985.

12 (14) (a) Except as provided in pars. (b) and (c), liability of a person specified in
13 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in
14 residential, nonmedical facilities such as group homes, foster homes, treatment
15 foster homes, subsidized guardianship homes, and residential care centers for
16 children and youth is determined in accordance with the cost-based fee established
17 under s. 49.32 (1). The department shall bill the liable person up to any amount of
18 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
19 benefits, subject to rules that include formulas governing ability to pay established
20 by the department under s. 49.32 (1). Any liability of the person not payable by any
21 other person terminates when the person reaches age 18, unless the liable person has
22 prevented payment by any act or omission.

23 (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent
24 specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor
25 child who has been placed by a court order under s. 48.355 or 48.357 in a residential,

1 nonmedical facility such as a group home, foster home, treatment foster home,
2 subsidized guardianship home, or residential care center for children and youth
3 shall be determined by the court by using the percentage standard established by the
4 department under s. 49.22 (9) and by applying the percentage standard in the
5 manner established by the department under par. (g).

6 (c) Upon request by a parent, the court may modify the amount of child support
7 payments determined under par. (b), subject to par. (cm), if, after considering the
8 following factors, the court finds by the greater weight of the credible evidence that
9 the use of the percentage standard is unfair to the child or to either of the parents:

- 10 1. The needs of the child.
- 11 2. The physical, mental, and emotional health needs of the child, including any
12 costs for the child's health insurance provided by a parent.
- 13 3. The standard of living and circumstances of the parents, including the needs
14 of each parent to support himself or herself at a level equal to or greater than that
15 established under 42 USC 9902 (2).
- 16 4. The financial resources of the parents.
- 17 5. The earning capacity of each parent, based on each parent's education,
18 training, and work experience and based on the availability of work in or near the
19 parent's community.
- 20 6. The need and capacity of the child for education, including higher education.
- 21 7. The age of the child.
- 22 8. The financial resources and the earning ability of the child.
- 23 9. The needs of any person, including dependent children other than the child,
24 whom either parent is legally obligated to support.

1 10. The best interests of the child, including, but not limited to, the impact on
2 the child of expenditures by the family for improvement of any conditions in the home
3 that would facilitate the reunification of the child with the child's family, if
4 appropriate, and the importance of a placement that is the least restrictive of the
5 rights of the child and the parents and the most appropriate for meeting the needs
6 of the child and the family.

7 11. Any other factors that the court in each case determines are relevant.

8 (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child
9 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the
10 child for whom support is ordered, the amount of the child support payments
11 determined under par. (b) or (c) may not exceed the amount of the adoption assistance
12 maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4)
13 is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of
14 \$0 shall be considered to be an adoption assistance maintenance payment for
15 purposes of this subdivision.

16 2. Subdivision 1. does not apply if, after considering the factors under par. (c)
17 1. to 11., the court finds by the greater weight of the credible evidence that limiting
18 the amount of the child support payments to the amount of the adoption assistance
19 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the
20 parents.

21 (d) If the court finds under par. (c) that use of the percentage standard is unfair
22 to the minor child or either of the parents, the court shall state in writing or on the
23 record the amount of support that would be required by using the percentage
24 standard, the amount by which the court's order deviates from that amount, its
25 reasons for finding that use of the percentage standard is unfair to the child or the

1 parent, its reasons for the amount of the modification, and the basis for the
2 modification.

3 (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or 48.363 (2)
4 for support determined under this subsection constitutes an assignment of all
5 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or
6 108, and other money due or to be due in the future to the county department under
7 s. 46.22 or 46.23 in the county where the order was entered or to the department,
8 depending upon the placement of the child as specified by rules promulgated under
9 subd. 5. The assignment shall be for an amount sufficient to ensure payment under
10 the order.

11 2. Except as provided in subd. 3., for each payment made under the assignment,
12 the person from whom the payer under the order receives money shall receive an
13 amount equal to the person's necessary disbursements, not to exceed \$3, which shall
14 be deducted from the money to be paid to the payer.

15 3. Benefits under ch. 108 may be assigned and withheld only in the manner
16 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for
17 an amount certain. When money is to be withheld from these benefits, no fee may
18 be deducted from the amount withheld and no fine may be levied for failure to
19 withhold the money.

20 4. No employer may use an assignment under this paragraph as a basis for the
21 denial of employment to a person, the discharge of an employee, or any disciplinary
22 action against an employee. An employer who denies employment or discharges or
23 disciplines an employee in violation of this subdivision may be fined not more than
24 \$500 and may be required to make full restitution to the aggrieved person, including
25 reinstatement and back pay. Except as provided in this subdivision, restitution shall

1 be in accordance with s. 973.20. An aggrieved person may apply to the district
2 attorney or to the department of workforce development for enforcement of this
3 subdivision.

4 5. The department shall promulgate rules for the operation and
5 implementation of assignments under this paragraph.

6 (f) If the amount of the child support determined under this subsection is
7 greater than the cost for the care and maintenance of the minor child in the
8 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or
9 otherwise dispose of any funds that are collected in excess of the cost of such care and
10 maintenance in a manner that the assignee determines will serve the best interests
11 of the minor child.

12 (16) The department shall delegate to county departments under ss. 46.22 and
13 46.23 or the local providers of care and services meeting the standards established
14 by the department under s. 49.34 the responsibilities vested in the department under
15 this section for collection of fees for services other than those provided at state
16 facilities, if the county departments or providers meet the conditions that the
17 department determines are appropriate. The department may delegate to county
18 departments under ss. 46.22 and 46.23 the responsibilities vested in the department
19 under this section for collection of fees for services provided at the state facilities if
20 the necessary conditions are met.

21 **SECTION 1508.** 49.35 (1) (a) of the statutes is amended to read:

22 49.35 (1) (a) The department shall supervise the administration of programs
23 under this subchapter and ch. 48. The department shall submit to the federal
24 authorities state plans for the administration of programs under this subchapter and
25 ch. 48 in such form and containing such information as the federal authorities

1 require, and shall comply with all requirements prescribed to ensure their
2 correctness.

3 **SECTION 1509.** 49.35 (1) (b) of the statutes is amended to read:

4 49.35 (1) (b) All records of the department and all county records relating to
5 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.
6 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
7 shall be open to inspection at all reasonable hours by authorized representatives of
8 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
9 records relating to the administration of the services and public assistance specified
10 in this paragraph shall be open to inspection at all reasonable hours by authorized
11 representatives of the department.

12 **SECTION 1510.** 49.35 (2) of the statutes is amended to read:

13 49.35 (2) The county administration of all laws relating to programs under this
14 subchapter and ch. 48 shall be vested in the officers and agencies designated in the
15 statutes.

16 **SECTION 1511.** 49.36 (2) of the statutes is amended to read:

17 49.36 (2) The department may contract with any county, tribal governing body,
18 or Wisconsin Works agency to administer a work experience and job training
19 program for parents who are not custodial parents and who fail to pay child support
20 or to meet their children's needs for support as a result of unemployment or
21 underemployment. The program may provide the kinds of work experience and job
22 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
23 (3), (3m), or (4). The program may also include job search and job orientation
24 activities. The department shall fund the program from the appropriations under
25 s. 20.445 (3) (dz) and (k).

1 **SECTION 1512.** 49.36 (2) of the statutes, as affected by 2007 Wisconsin Act
2 (this act), is amended to read:

3 49.36 (2) The department may contract with any county, tribal governing body,
4 or Wisconsin Works agency to administer a work experience and job training
5 program for parents who are not custodial parents and who fail to pay child support
6 or to meet their children's needs for support as a result of unemployment or
7 underemployment. The program may provide the kinds of work experience and job
8 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
9 (3), (3m), or (4). The program may also include job search and job orientation
10 activities. The department shall fund the program from the appropriations under
11 s. ~~20.445 (3)~~ 20.437 (2) (dz) and (k).

12 **SECTION 1513.** 49.45 (2) (a) 1. of the statutes is amended to read:

13 49.45 (2) (a) 1. Exercise responsibility relating to fiscal matters, the eligibility
14 for benefits under standards set forth in ss. 49.46 to 49.47 49.471, and general
15 supervision of the medical assistance program.

16 **SECTION 1514.** 49.45 (2) (a) 3. of the statutes is amended to read:

17 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
18 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47, and 49.471 and
19 rules and policies adopted by the department and may, under a contract under s.
20 49.78 (2), delegate all, or any portion, of this function to the county department under
21 s. 46.215, 46.22, or 46.23 or a tribal governing body.

22 **SECTION 1515.** 49.45 (2) (a) 17. of the statutes is amended to read:

23 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
24 organization, the joint committee on finance and appropriate standing committees,
25 as determined by the presiding officer of each house, if the appropriation accounts

1 under s. 20.435 (4) (b) and ~~(gp)~~ (xd) are insufficient to provide the state share of
2 medical assistance.

3 **SECTION 1516.** 49.45 (2) (b) 3. of the statutes is amended to read:

4 49.45 (2) (b) 3. Audit all claims filed by any contractor making the payment of
5 benefits paid under ss. 49.46 to ~~49.47~~ 49.471 and make proper fiscal adjustments.

6 **SECTION 1517.** 49.45 (2) (b) 7. (intro.) of the statutes is amended to read:

7 49.45 (2) (b) 7. (intro.) Require, as a condition of certification under par. (a) 11.,
8 all providers of a specific service that is among those enumerated under s. 49.46 (2)
9 ~~or, 49.47 (6) (a), or 49.471 (11)~~, as specified in this subdivision, to file with the
10 department a surety bond issued by a surety company licensed to do business in this
11 state. Providers subject to this subdivision provide those services specified under s.
12 ~~49.46 (2) or, 49.47 (6) (a), or 49.471 (11)~~ for which providers have demonstrated
13 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),
14 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions
15 under par. (a) 13. The surety bond shall be payable to the department in an amount
16 that the department determines is reasonable in view of amounts of former
17 recoveries against providers of the specific service and the department's costs to
18 pursue those recoveries. The department shall promulgate rules to implement this
19 subdivision that specify all of the following:

20 **SECTION 1518.** 49.45 (3) (ag) of the statutes is amended to read:

21 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
22 under s. ~~46.281 (1) (e)~~ 46.283 (2) for functional screens screenings performed by the
23 entity.

24 **SECTION 1519.** 49.45 (3) (b) 1. of the statutes is amended to read:

1 49.45 (3) (b) 1. The contractor, if any, administering benefits or providing
2 prepaid health care under s. 49.46, 49.465, 49.468 or, 49.47, or 49.471 shall be
3 entitled to payment from the department for benefits so paid or prepaid health care
4 so provided or made available when a certification of eligibility is properly on file
5 with the contractor in addition to the payment of administrative expense incurred
6 pursuant to the contract and as provided in sub. (2) (a) 4., but the contractor shall
7 not be reimbursed for benefits erroneously paid where no certification is on file.

8 **SECTION 1520.** 49.45 (3) (b) 2. of the statutes is amended to read:

9 49.45 (3) (b) 2. The contractor, if any, insuring benefits under s. 49.46, 49.465,
10 49.468 or, 49.47, or 49.471 shall be entitled to receive a premium, in an amount and
11 on terms agreed, for such benefits for the persons eligible to receive them and for its
12 services as insurer.

13 **SECTION 1521.** 49.45 (3) (dm) of the statutes is amended to read:

14 49.45 (3) (dm) After distribution of computer software has been made under
15 1993 Wisconsin Act 16, section 9126 (13h), no payment may be made for home health
16 care services provided to persons who are enrolled in the federal medicare program
17 and are recipients of medical assistance under s. 49.46 or, 49.47, or 49.471 unless the
18 provider of the services has in use the computer software to maximize payments
19 under the federal medicare program under 42 USC 1395.

20 **SECTION 1522.** 49.45 (3) (f) 2. of the statutes is amended to read:

21 49.45 (3) (f) 2. The department may deny any provider claim for reimbursement
22 which cannot be verified under subd. 1. or may recover the value of any payment
23 made to a provider which cannot be so verified. The measure of recovery will be the
24 full value of any claim if it is determined upon audit that actual provision of the
25 service cannot be verified from the provider's records or that the service provided was

1 not included in s. 49.46 (2) or 49.471 (11). In cases of mathematical inaccuracies in
2 computations or statements of claims, the measure of recovery will be limited to the
3 amount of the error.

4 **SECTION 1523.** 49.45 (3) (L) 2: of the statutes is amended to read:

5 49.45 (3) (L) 2. The department may not pay a provider for a designated health
6 service that is authorized under this section or s. 49.46 ~~or~~, 49.47, or 49.471, that is
7 provided as the result of a referral made to the provider by a physician and that,
8 under 42 USC 1396b (s), if made on behalf of a beneficiary of medicare under the
9 requirements of 42 USC 1395nn, as amended to August 10, 1993, would result in the
10 denial of payment for the service under 42 USC 1395nn.

11 **SECTION 1524.** 49.45 (3) (m) of the statutes is amended to read:

12 49.45 (3) (m) To be certified under sub. (2) (a) 11. to provide transportation by
13 specialized medical vehicle, a person must have at least one human service vehicle,
14 as defined in s. 340.01 (23g), that satisfies the requirements imposed under s. 110.05
15 for a vehicle that is used to transport a person in a wheelchair. If a certified provider
16 uses 2 or more vehicles to provide transportation by specialized medical vehicle, at
17 least 2 of the vehicles must be human service vehicles that satisfy the requirements
18 imposed under s. 110.05 for a vehicle that is used to transport a person in a
19 wheelchair, and any 3rd or additional vehicle must be a human service vehicle to
20 which the equipment required under s. 110.05 for transporting a person in a
21 wheelchair may be added. The department shall pay for transportation by
22 specialized medical vehicle under s. 49.46 (2) (b) 3. or 49.471 (11) (m) that is provided
23 in a human service vehicle that is not equipped to transport a person in a wheelchair
24 if the person being transported does not use a wheelchair. The reimbursement rate
25 for transportation by specialized medical vehicle provided in a vehicle that is not

1 equipped to accommodate a wheelchair shall be the same as for transportation by
2 specialized medical vehicle provided in a vehicle that is equipped to accommodate a
3 wheelchair.

4 **SECTION 1525.** 49.45 (5m) (am) of the statutes is amended to read:

5 49.45 (5m) (am) Notwithstanding sub. (3) (e), from the appropriation accounts
6 under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd), the department shall distribute not
7 more than \$2,256,000 in each fiscal year, to provide supplemental funds to rural
8 hospitals that, as determined by the department, have high utilization of inpatient
9 services by patients whose care is provided from governmental sources, and to
10 provide supplemental funds to critical access hospitals, except that the department
11 may not distribute funds to a rural hospital or to a critical access hospital to the
12 extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

13 **SECTION 1526.** 49.45 (6c) (d) 1. of the statutes is amended to read:

14 49.45 (6c) (d) 1. No payment may be made under sub. (6m) to a facility or to
15 an institution for mental diseases for the care of an individual who is otherwise
16 eligible for medical assistance under s. 49.46 ~~or, 49.47, or 49.471~~, who has
17 developmental disability or mental illness and for whom under par. (b) or (c) it is
18 determined that he or she does not need facility care, unless it is determined that the
19 individual requires active treatment for developmental disability or active
20 treatment for mental illness and has continuously resided in a facility or institution
21 for mental diseases for at least 30 months prior to the date of the determination. If
22 that individual requires active treatment and has so continuously resided, he or she
23 shall be offered the choice of receiving active treatment for developmental disability
24 or active treatment for mental illness in the facility or institution for mental diseases
25 or in an alternative setting. A facility resident who has developmental disability or

1 mental illness, for whom under par. (c) it is determined that he or she does not need
2 facility care and who has not continuously resided in a facility for at least 30 months
3 prior to the date of the determination, may not continue to reside in the facility after
4 December 31, 1993, and shall, if the department so determines, be relocated from the
5 facility after March 31, 1990, and before December 31, 1993. The county department
6 shall be responsible for securing alternative residence on behalf of an individual who
7 is required to be relocated from a facility under this subdivision, and the facility shall
8 cooperate with the county department in the relocation.

9 **SECTION 1527.** 49.45 (6c) (d) 2. of the statutes is amended to read:

10 49.45 (6c) (d) 2. Payment may be made under sub. (6m) to a facility or
11 institution for mental diseases for the care of an individual who is otherwise eligible
12 for medical assistance under s. 49.46 ~~or 49.47~~, or 49.471 and who has developmental
13 disability or mental illness and is determined under par. (b) or (c) to need facility care,
14 regardless of whether it is determined under par. (b) or (c) that the individual does
15 or does not require active treatment for developmental disability or active treatment
16 for mental illness.

17 **SECTION 1528.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

18 49.45 (6m) (ag) (intro.) Payment for care provided in a facility under this
19 subsection made under s. 20.435 (4) (b), ~~(gp)~~, (o), (pa), ~~or (w)~~, or (xd) shall, except as
20 provided in pars. (bg), (bm), and (br), be determined according to a prospective
21 payment system updated annually by the department. The payment system shall
22 implement standards that are necessary and proper for providing patient care and
23 that meet quality and safety standards established under subch. II of ch. 50 and ch.
24 150. The payment system shall reflect all of the following:

25 **SECTION 1531.** 49.45 (6m) (br) 1. of the statutes is amended to read: